

C3
Covd

43. (New) A mesostructured thin film having an uniaxially oriented rod-shaped pore structure formed on a polymer compound, the polymer compound containing a sequence of two or more adjacent methylene groups in a molecular structure of the repeating unit of the polymer compound, wherein the polyester compound is a film.--

REMARKS

The claims are 1-24, 27-38 and 40-43 with claims 1, 23 and 41-43 being independent. The subject matter of claim 39 was added to claims 23 and 41 and claims 25 26 and 39 cancelled as being redundant. New claims 42 and 43 were added. Reconsideration of the claims is requested.

Former claims 1-22 are withdrawn as non-elected. In the event of allowable subject matter Applicant requests rejoinder of claims 1-22 under M.P.E.P. §821.04. Accordingly, to facilitate rejoinder Applicant requests an opportunity to amend the method claims to be commensurate in scope with the product claims once generic allowable subject matter has been indicated.

Support for new claim 42 is found in claims 23, 37 and 38. Support for claim 43 is found, inter alia, on page 3, lines 24-27.

Claims 23-25, 27-30, 32, 33, 35, 40 and 41 were rejected as anticipated by Ozin '666. Claims 31, 34 and 36-38 were rejected as obvious over Ozin in view of either Itoh, Ward or Leung, respectively. The subject matter of claim 39 was indicated as being allowable over the art. The subject matter claim 39 of has now been added to independent claims 23 and 41. Consequently, claims 23, 24, 27-38, 40 and 41 should be allowable.

Claim 42 provides that the polymer compound has a functional group which is different from the methylene groups in the repeating unit. Ozin '666 employs either HDPE-high density polyethylene, HDPP-high density polypropylene, polyethylene (PE) or polypropylene (PP) (Ex. 1-9) as a polymer substrate. However, neither PE nor PP have a functional group different from the methylene groups in the repeating unit. Polymers with other functional groups, such as a polyimide (claim 38) are not disclosed or suggested in Ozin '666.

Claim 43 provides that the polymer substrate is a film. Thus, the mesostructured thin film can be formed on a large variety of film-like substrates, such as flat glass. To the contrary, in Ozin '666 the mesostructure is deposited within a plastic bottle. The resulting mesostructure is formed on the curved or nonuniform surfaces of a bottle. The resulting mesostructure assumes the shape of the bottle and not that of an underlying film.

Accordingly, none of the references, whether considered alone or in combination, discloses or suggests the present claimed invention nor renders it unpatentable.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 22447

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
345041

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIM 23

--23. (Twice Amended) A mesostructured thin film having an uniaxially oriented rod-shaped pore structure formed on a polymer compound, the polymer compound containing a sequence of two or more adjacent methylene groups in a molecular structure of the repeating unit of the polymer compound, wherein the surface of the polymer compound is uniaxially oriented.

41. (Amended) A mesostructure having [a] mesopores comprising:
a polymer compound surface containing a sequence of two or more adjacent methylene groups in a molecular structure of the repeating unit of the polymer compound; and
uniaxially oriented rod-shaped mesopores arranged on the polymer compound surface, wherein the surface of the polymer compound is uniaxially oriented.--